REMARKS

Claims 1-4 and 6-20 are pending in this application. By this Amendment, claims 1-4, 7 and 8 are amended and claim 5 has been cancelled without prejudice to or disclaimer of the subject matter contained therein. Reconsideration of the application is respectfully requested.

Applicants note that the PTO-1449 filed with the August 6, 2002 Information Disclosure Statement was not completely initialed by the Examiner. In particular, the Examiner failed to place his initials adjacent to the third entry under "other documents". The Examiner is requested to initial and return to the undersigned a copy of the Form PTO-1449. For the convenience of the Examiner, a copy of that form is attached.

In addition, an Information Disclosure Statement with Form PTO-1449 was filed in the above-captioned patent application on October 25, 2002. Applicants have not yet received from the Examiner a copy of the Form PTO-1449 initialed to acknowledge the fact that the Examiner has considered the disclosed information. The Examiner is requested to initial and return to the undersigned a copy of the Form PTO-1449. For the convenience of the Examiner, a copy of that form is attached.

Claims 1-4 are rejected under 35 U.S.C. §102(b) over U.S. Patent No. 5,764,930 issued to Staats. The rejection is respectfully traversed for at least the following reasons.

Staats fails to disclose a data transfer control device comprising all the features of claim 1, including, inter alia, a transfer execution circuit which executes processing for dividing transfer data into a series of packets and transferring the divided series of packets continuously, when the processing unit issues the start command for data transfer, a cancellation circuit which cancels an execution of one of the start command and the resume command, when the processing unit issues one of the start command and the resume command, respectively, during a period of a reset that clears node topology information, and a

circuit which informs the processing unit that command execution has been canceled by the reset.

Page 2 of the Office Action states that col. 7, lines 17-40 of Staats discloses the 'cancellation' feature of claim 1. However, the above-identified section of Staats merely discloses that when a bus reset occurs while the read transaction is pending, a bus reset will result in an interrupt being generated in order to signal the service routine to update the device data records. Then, the CPU 10 will clear the output registers of CPU node 12. Thus, after the interrupt is generated with respect to the CPU, an interrupt handling procedure will disable the CPU's packet transmission operations. Applicants submit that a significant amount of time lapses from the time an interrupt operation is generated with respect to the CPU until the CPU stops processing and thus, a large number of invalid packets may be transferred to another node.

Further, in the device disclosed in Staats, after the CPU node 12 output registers have been cleared, the CPU 12 must initiate the bus scan so that all device data records can be updated. To accomplish this task, the service routine must create a priority execution queue which updates the data records before the original read transaction is allowed to execute. More particularly, although the normal execution queue must be disabled until all device data records are updated, the priority execution queue is not disabled. Further, in Staats, once all the device data records have been updated, the original read request can be serviced (col. 7, line 41- col. 8, line 14). Accordingly, the interrupt signal of Staats does not cancel an execution of the start command or the resume command.

Also, since Staats fails to disclose canceling an execution of the start command or the resume command, Staats also fails to disclose a circuit which informs the processing means that command execution has been canceled by the reset, as recited in claim 1.

For at least these reasons, Applicants submit that Staats fails to disclose or suggest all the features of claim 1, as well as all the features of claims 2-4 which depend from claim 1. It is respectfully requested that the rejection be withdrawn.

Claims 5-20 are rejected under 35 U.S.C. §103(a) over Staats in view of U.S. Patent No. 6,219,736 issued to Klingman. The rejection of claim 5 has been rendered moot by the cancellation of claim 5. The rejection of the remaining claims is respectfully traversed for at least the following reasons.

Page 4 of the Office Action acknowledges that Staats fails to disclose the transfer execution means feature of claim 7, and further alleges that one skilled in the art at the time of the invention would have been motivated to look for potential methods and systems for implementing the transferring of divided series of packets and, more particularly, to the teachings of Klingman regarding page-based device transfer data.

Applicants submit that the Examiner's reason for combining Staats and Klingman is without merit. That the prior art can be modified in the manner suggested by the Examiner does not render the modification obvious unless the prior art suggests the desirability of the modification. In re Fritch, 972 F.2d 1260, 1266, 23 USPQ2d 1780, 1783-4 (Fed. Cir, 1992). Second, a factual inquiry whether to modify a reference must be based on objective evidence of record, not merely conclusory statements of the Examiner. See, In re Lee, 277 F.3d 1338, 1343, 61 USPQ2d 1430, 1433 (Fed. Cir. 2002).

Applicants submit that no objective evidence has been presented for combining the teachings of Staats and Klingman to result in Applicants' claimed invention because the combination of Staats and Klingman does not even disclose all the features of Applicants' claim 7. For example, nowhere does the Office Action show which portion of either Staats or Klingman discloses a pause control circuit which pauses a transfer processing after a step execution of the transfer processing, when the processing unit issues a resume command and

a pause command for data transfer together, as recited in claim 7. Applicants submit that the Office Action fails to identify the portions of Staats and/or Klingman which result in the above-identified feature because neither reference discloses or suggests the feature.

For at least these reasons, Applicants submit that the combination of Staats and Klingman fails to disclose or suggest all the features of claim 7, as well as all the features of claims 8-10, 13-15 and 18-20, which depend from claim 7.

With regard to claims 6, 11, 12, 16 and 17, which depend from claim 1, Applicants submit that for at least the reasons discussed above, Klingman fails to overcome the deficiencies of Staats, as applied to claim 1. Thus, the combination of Klingman and Staats fails to disclose or suggest all the features of claims 6, 11, 12, 16 and 17.

It is respectfully requested that the rejection be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-4 and 6-20 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

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Attachments:
October 25, 2002 PTO-1449
August 6, 2002 PTO-1449

Date: June 24, 2004

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